

LUKAS, MCGOWAN, NACE & GUTIERREZ

CHARTERED

1111 NINETEENTH STREET, N.W.

SUITE 1200

WASHINGTON, D.C. 20036

RUSSELL D. LUKAS
GERALD S. MCGOWAN
DAVID L. NACE
THOMAS GUTIERREZ
ELIZABETH R. SACHS
GEORGE L. LYON, JR.
PAMELA L. GIST
DAVID A. LAFURIA
TERRY J. ROMINE
MARCI E. GREENSTEIN+
MARJORIE GILLER SPIVAK
J. JUSTIN McCLURE+
MARILYN I. SUCHECKI+
DAVID D. McCURDY+
PAMELA GAARY HOLRAN
JOHN B. BRANSCOME+

+ NOT ADMITTED IN D.C.

ORIGINAL

CONSULTING ENGINEERS
THOMAS G. ADCOCK, P.E.
MEHRAN NAZARI
ALI KUZEHKANANI
JAMES R. LANDOLL, P.E.
LEROY A. ADAM
LEILA REZANAVAZ
FARID SEYEDVOSOGHI

(202) 857-3500

TELECOPIER
(202) 842-4485

WRITER'S DIRECT DIAL
(202) 828-9470

December 30, 1994

DOCKET FILE COPY ORIGINAL

RECEIVED

DEC 30 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: CC Docket No. 92-115

Dear Mr. Caton:

On behalf of SkyTel Corporation ("SkyTel"),^{1/} this is to provide comment in support of the Personal Communications Industry Association Petition for Partial Stay ("Petition") filed in the referenced proceeding on December 19, 1994.

In its Petition, the Personal Communications Industry Association ("PCIA") requests a partial stay of the effective date of the rules adopted in the referenced docket. Whereas PCIA seeks deferral of the effective date both with respect to newly adopted 931 MHz paging application processing rules and the policy of prohibiting multiple licensing of transmitters, SkyTel's comments are limited to the issue of 931 MHz paging application processing rules.

^{1/} SkyTel is the preeminent provider of nationwide paging services. It has participated actively in a multitude of Commission proceedings involving both network and non-network paging. In the instant proceeding, SkyTel has submitted both comments and reply comments arguing that the public interest would be best served were the Commission to utilize 931 MHz application processing procedures different from those proposed and ultimately adopted by the Commission.

No. of Copies rec'd
List ABCDE

241

The Commission's Report and Order^{2/} revising Part 22 of the Commission's rules established an application processing framework that appears to have presumed that the backlog of existing 931 MHz applications would be greatly reduced by the effective date of the rules.^{3/} Unfortunately, it appears as though at the very time the Commission was attempting to reduce the backlog, various application "mills" were shifting their emphasis away from SMR and other forms of applications to 931 MHz applications. The result is that there likely will be a six- to eight-month backlog on 931 applications as of January 3, 1995, the currently scheduled date for the new rules to become effective.

If the new rules become effective on January 3, the Commission staff--and the entire industry--will be presented with a logistical nightmare. All pending applications will have to be amended; the amended applications will have to be listed on Public Notice; parties will have an opportunity to file competing applications; and substantial questions will exist as to when one "chain" of competing application stops and another one starts. All of these complications will be exacerbated by the potential for further revision of the Commission's rules stemming from the petitions for reconsideration of the Report and Order currently before the Commission. The effect of all this is that there likely will be a considerable logistical logjam of applications that will remain for years to come.^{4/}

Fortunately, there appears to be a very practical way to minimize greatly the transition problems addressed above. PCIA has spearheaded an industry initiative proposing a new framework for transitioning the revised Part 22 rules. That initiative is set forth in the PCIA referenced Petition. Acceptance of the PCIA

^{2/} Revision of Part 22 of the Commission's rules governing the Public Mobile Services, CC Docket No. 92-115, 76 Rad. Reg. 2d (P&F) 1, 1994 ("Report and Order").

^{3/} The Report and Order was adopted on August 2, 1994, and was released on September 9, 1994. As adopted (5 month), the Report and Order included an unusually long transition period before the new rules became effective. This unusually lengthy transition period appears to have been designed, at least in part, to provide the staff with an opportunity to reduce the backlog of existing applications prior to the effective date of the rules.

^{4/} This logjam may well rival, or exceed, that which currently exists in the northeast corridor and which may inadvertently have been the impetus for the changes proposed by the Commission.

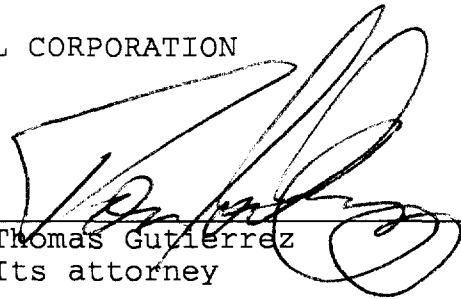
proposal will ameliorate greatly the staff's burdens associated with application processing and will expedite the processing of most applications, while addressing mutual exclusivity issues in an equitable and rational manner.

SkyTel wholeheartedly endorses the PCIA proposal insofar as it relates to 931 MHz application processing. Accordingly, SkyTel submits these comments in support of the PCIA Petition.

Very truly yours,

SKYTEL CORPORATION

By: _____


Thomas Gutierrez
Its attorney

TG/bad